

Edwin A. Zipf (EZipf@bressler.com)

BRESSLER, AMERY & ROSS

A Professional Corporation

325 Columbia Turnpike, Suite 301

Florham Park, NJ 07932

Telephone: (973) 514-1200

Facsimile: (973) 514-1660

Marshall H. Fishman (Marshall.Fishman@freshfields.com) (*Pro Hac Vice* Application Pending)

Timothy P. Harkness (Timothy.Harkness@freshfields.com) (*Pro Hac Vice* Application Pending)

Cheryl L. Howard (Cheryl.Howard@freshfields.com) (*Pro Hac Vice* Application Pending)

FRESHFIELDS BRUCKHAUS DERINGER US LLP

601 Lexington Avenue, 31st Floor

New York, NY 10022

Telephone: (212) 277-4000

Facsimile: (212) 277-4001

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

LORD ABBETT MUNICIPAL INCOME
FUND, INC., on behalf of its series Lord
Abbett High Yield Municipal Bond Fund, a
Maryland corporation,

Plaintiff,

v.

CITIGROUP GLOBAL MARKETS INC,
a New York corporation, and JOHN DOES
1-10,

Defendants.

Civil Action No. 2:11-cv-5550-CCC-JAD

Oral Argument Requested

Motion Date: April 2, 2012

**DEFENDANT'S
NOTICE OF MOTION TO DISMISS**

TO: ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that on April 2, 2012, or as soon thereafter as counsel may be heard, Defendant Citigroup Global Markets Inc. ("CGMI") will move in the United States District Court, Martin Luther King, Jr. Federal Building, 50 Walnut Street, Newark, New Jersey,

before the Honorable Claire C. Cecchi, U.S.D.J. for an order dismissing Plaintiff's Complaint with prejudice on that grounds that:

1. The claims should be dismissed pursuant to Fed. R. Civ. P. 12(b)(6), 8(a) and 9(b). Plaintiff has failed to set out cognizable causes of action against CGMI and each cause of action should be dismissed.

In support of this motion, CGMI relies on the Memorandum of Law and Declaration of Cheryl L. Howard submitted herewith, any oral argument before the Court and papers previously filed with the Court.

WHEREFORE, CGMI respectfully requests that the Court dismiss all counts of the Complaint in this action.

BRESSLER, AMERY & ROSS, P.C.
Attorneys for Defendant
Citigroup Global Markets Inc.

By: /s/ Edwin A. Zipf
Edwin A. Zipf

Freshfields, Bruckhaus Deringer US LLP
Marshall H. Fishman, Esq.
Timothy P. Harkness, Esq.
Cheryl L. Howard, Esq.
601 Lexington Avenue, 31st Fl.
New York, New York 10022
Telephone: (212) 277-4000
Facsimile: (212) 277-4001

Dated: December 12, 2011

CERTIFICATE OF SERVICE

I, Edwin A. Zipf, Esq., hereby certify that on this 12th day of December, 2011 the foregoing Defendant's Motion to Dismiss to be electronically filed with the Clerk of the Court using the Court's CM/ECF system which will send notification of such filing to all counsel of record.

s/ Edwin A. Zipf
Edwin A. Zipf, Esq.

Dated: December 12, 2011